

year, the administration really allocated the money on the basis of need. My State of New York got about a third of the funds, which is probably right. But then they abandoned ship. Once Mitch Daniels left, who was head of OMB, a true conservative who didn't want to spend money, these homeland security funds became pork battle and they are spread thin.

I say to the Chair, I know everybody has some needs, but to have his State get, on a per capita basis, far more dollars than mine in terms of homeland security, I don't think seems right, much as I want to protect both. Over and over again, on homeland security funds, we have not allocated it to the places of greatest crisis. That, too, is a problem.

So the bottom line is this: I hope this report will be what it should be, a wake-up call—a wake-up call that, on intelligence, our agencies are too disparate, they don't talk to one another or coordinate with one another. They are not doing the job they should and we have to correct that. I hope it is a wake-up call that here at home on homeland security we are not doing enough. It is common knowledge that, as so many say, to win a basketball or a football game you need both a good offense and a good defense. We have an offense out there all right. I have been largely supportive of that offense. But we are not doing enough on the defense. You cannot win a game without a good defense. I hope it is a wake-up call on defense as well. I hope it is a wake-up call.

I hope the report will be comprehensive, and that it will talk about so many things—immigration, rail, port, truck security, and air security. It will talk about all of the things that we did wrong before 9/11. Again, instead of finger-pointing, instead of seeking blame, instead of ducking, let's hope this report importunes the Congress, importunes the White House to one of its finest hours in that we spend some time in September, after having had plenty of time to analyze the report, to implementing its recommendations—at least the ones the Congress sees fit. It would be unacceptable for us to just look at the report for a day and then do nothing. That would be a dereliction of our duty to our citizens to do what we are required to do, that which the Constitution requires us to do—protect the security of Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, how much time do I have under the order?

The ACTING PRESIDENT pro tempore. Ten minutes.

#### LEAK INVESTIGATION

Mr. HARKIN. Mr. President, I am here on the Senate floor again today to remind my colleagues, and those who may be watching on C-SPAN, that it

has now been 1 year and 6 days since two high-ranking White House officials leaked the name of agent Valerie Plame, a CIA agent, to a columnist by the name of Robert Novak, who then published it in his column. Two high-ranking White House officials leaked this name to more than one reporter. It is interesting that no other reporters reported it except Robert Novak.

Here we are 372 days—1 year and 6 days after this crime was committed. We still have no answers about who in the White House was responsible for this leak. We still have no assurance from the President or the Vice President that those who are responsible do not still remain in high-ranking decision making roles in the White House. They are probably still there.

This administration has failed to find and punish the officials responsible for this criminal action. Ms. Plame's identity was leaked by senior White House officials only 8 days after her husband questioned in print one of the key administration justifications for the war in Iraq; that is, that Iraq had sought to buy uranium ore from the country of Niger.

This blatant defiance of public accountability weakens our country. It damages our international credibility and undercuts our human intelligence efforts at a time when they are needed more than ever. It is just one example of the way this administration has weakened America's standing in the world.

I will speak further to this issue during the remainder of the week. Again, I will continue to point out how this has weakened America. Last month, for example, a group of 26 former senior diplomats and military officials who worked for Presidents of both parties, Republican and Democrat, issued a compelling statement about the damage the administration has done to our security. Their statement said:

Our security has been weakened.

It said further:

[The] Bush administration has shown that it does not grasp the circumstances of the new era and is not able to rise to the responsibility of world leadership in either style or substance.

When a former Ambassador, Joseph Wilson, raised issues that questioned part of President Bush's rationale for the war in Iraq, this administration attacked him politically, and then went after his wife. And the smear campaign continues, as we have seen in recent columns and four statements this week.

I am not here to criticize or defend former Ambassador Joseph Wilson. I am here to make the point that when he dared to question whether one of the President's justifications for the war in Iraq was correct, the White House was so intent on discrediting him that they were willing to expose the identity of an undercover CIA agent in an act of vicious political retribution. They were willing to break the law, and to damage the relationship between the White

House and the intelligence community. This administration purposefully stretched intelligence data they knew to be questionable to justify the war to the American people and to Congress.

According to the Senate Intelligence Committee report, in February of 2002, the CIA sent former Ambassador Wilson to Niger to investigate claims that Iraq had sought to purchase Nigerian uranium ore. His trip and subsequent debriefing neither verified the claim, nor disproved it. Following his trip, the intelligence community continued efforts to verify the claim.

In October of 2002, the White House sought to include that claim—that Iraq had tried to buy uranium ore from Niger—in a policy speech by the President that was to be given in Cincinnati. But the CIA had such serious concerns about this being in his speech that they sent a memo to the White House seeking changes. The CIA did not think these concerns were being taken seriously, so the following day, they sent a second memo that urged the information be deleted from the President's speech.

So now we have two memos to the White House on subsequent days asking that this be taken out of his speech because “the evidence was weak” and that the CIA had told Congress that “the Africa story was overblown.” That same day, CIA Director Tenet personally called Deputy National Security Adviser Stephen Hadley to express his concerns about using this information in the speech. And guess what. It was taken out of the President's speech by Stephen Hadley, the Deputy National Security Adviser.

That is how concerned the CIA was about this information and about the credibility of the information: two memos and a personal call from the Director of the CIA to Deputy National Security Adviser Hadley. It was taken out of the President's speech. This is October.

Between October and January, both the State Department and the CIA obtained copies of documents that purported to be a uranium ore purchase agreement between Iraq and Niger. As I heard, these documents came from someplace in Italy. But the State Department determined the documents were probably a hoax.

So between October and January, there was even more reason to doubt the credibility of these uranium ore claims. Nonetheless, when the President took the floor in the House Chamber to give his State of the Union Message, what happened? Those claims were included in his speech.

Who was the person responsible for vetting, for clearing these kinds of statements in the President's State of the Union Message? Guess what, it was Stephen Hadley, the Deputy National Security Adviser. He was in charge of vetting the national security issues for the President's State of the Union speech. This was the same person who just a couple of months before had received two memos and a personal

phone call from Mr. Tenet, the head of the CIA, telling him these claims were highly suspect. But these words made it into the President's State of the Union Message. Thus, the White House, in its determination to wage war, included information they knew to be questionable to justify the war in Iraq.

Six months later, when Joseph Wilson questioned that information, two senior White House officials undertook a campaign to destroy the career of his wife. Who would have known that Valerie Plame was married to Joseph Wilson? Maybe some in the CIA knew it. I don't know who else knew it. They had different names. She was deep undercover. She was not given diplomatic immunity. She was very deep undercover in the CIA.

In the process of blowing Ms. Plame's cover, these White House officials cost the people of this country a 20-year investment in Valerie Plame. They placed into jeopardy her entire network of contacts and CIA operatives. They caused the entire intelligence community to question whether they might be next and be exposed. Thus, they weakened the reputation of this country at home and abroad.

Don't take my word for it; take the words of three former CIA high-ranking officials. Vincent Cannistrano, former chief of operations and analysis at the CIA counterterrorism center, said of the Plame disclosure:

The consequences are much greater than Valerie Plame's job as a clandestine CIA employee. They include damage to the lives and livelihoods of many foreign nationals with whom she was connected, and it has destroyed a clandestine cover mechanism that may have been used to protect other CIA non-official covered officers.

Or the words of James Marcinkowski, a former CIA operations officer, he said:

The deliberate exposure and identification of Ambassador Wilson's wife by our own Government was unprecedented, unnecessary, harmful, and dangerous.

Larry Johnson, a former CIA analyst, said:

For this administration to run on a security platform and to allow people in this administration to compromise the security of intelligence assets I think is unconscionable.

No one listening to these three men could have any doubts about the damage this act has done to our intelligence community and the extent to which this has weakened America.

We have seen that this administration has put relentless pressure on the intelligence community to justify the war. I have been informed that Vice President CHENEY personally went to the CIA headquarters—personally went across the river in Virginia to the CIA headquarters—at least eight times in the months when this intelligence data was under review. The Los Angeles Times reported last week that the Vice President's office even prepared its own dossier of all the information they thought should be used by the Secretary of State to justify the war,

much of which the State Department rejected.

My question is, what was Vice President CHENEY doing visiting the CIA over eight times? This is unprecedented—unprecedented.

And my final question is this: Where is the same drive and determination by the President or the Vice President when it comes to finding those responsible for the breach of national security this leak caused?

The people who exposed Valerie Plame broke the law. Title 50 U.S.C., section 421. It is very clear on this: Any person who has access to classified information that identifies a covert agent shall be fined or imprisoned not more than 10 years or both.

I ask unanimous consent that the exact words of 50 U.S.C., section 421, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE 50.—WAR AND NATIONAL DEFENSE  
CHAPTER 15.—NATIONAL SECURITY, PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION, 50 USC § 421 (2004)

§ 421. Protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

(a) Disclosure of information by persons having or having had access to classified information that identifies covert agent. Whoever, having or having had authorized access to classified information that identifies a covert agent, intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined under title 18, United States Code, or imprisoned not more than ten years, or both.

(b) Disclosure of information by persons who learn identity of covert agent as result of having access to classified information. Whoever, as a result of having authorized access to classified information, learns the identity of a covert agent and intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

(c) Disclosure of information by persons in course of pattern of activities intended to identify and expose covert agents. Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined under title 18, United States Code, or imprisoned not more than three years, or both.

(d) Imposition of consecutive sentences. A term of imprisonment imposed under this

section shall be consecutive to any other sentence of imprisonment.

Mr. HARKIN. Mr. President, this law does not make any exceptions. It does not say, you can be fined or put in prison unless your spouse has gone against the administration's policy. It does not have that in here. No one is excused, not even, in my opinion, Mr. Novak.

One year and 6 days later we are still waiting for some action to be taken against those who broke the law. I have said repeatedly, if the President wanted to know the identity of these high-ranking officials, he could have done so within 24 hours. Clearly, Mr. Bush does not want to know the identity of the leakers, and when he was asked about it, he just dismissed it out of hand, smiled about it, said: There are a lot of leakers, who knows, a lot of people in the administration, and he just brushed it off. Where is Mr. Bush's sense of outrage that two people would do this and so weaken America's national security?

I think getting these answers means only one thing: The President of the United States, Mr. Bush, the Vice President of the United States, Mr. CHENEY, should be put under oath and filmed at the same time and deposed and asked these questions. One might say: Senator, that is an awful drastic step to be taken to put the President and Vice President under oath. I remind my colleagues that just a very few years ago a former President was put under oath and questioned under oath and filmed, and we sat in this Chamber and watched on television sets the deposition of former President Clinton when he was put under oath.

Regardless of how one may have felt about the impeachment one way or the other, I think the fact that the President was put under oath and questioned sent a signal very loudly and clearly to the people of this country: No one is above the law, not even the President of the United States. If it was good enough for a former President, it is good enough for this President.

The ACTING PRESIDENT pro tempore. The Senator has consumed the 5 minutes allocated to Senator REID as well.

All time has expired on the Democratic side.

Mr. LEAHY. Mr. President, am I correct that we will now go to the Myers nomination?

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

NOMINATION OF WILLIAM GERRY MYERS III TO BE A UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the